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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA

Plaintiff,

vs.

OSVALDO LOPEZ-ESCEVERRE,

**Defendant.**

No. 4:22-CR-06035-MKD-3

Defendant's Review of Presentence  
Investigation Report and Sentencing  
Memorandum

Defendant, Osvaldo Lopez-Esceverre, by and through his attorney Ricardo Hernandez, submits the following Review of Presentence Investigation Report.

## I. PRESENTENCE INVESTIGATION REPORT:

#### A. Offense Level and Adjustments:

Pursuant to the Presentence Investigation Report (PSIR), the Defendant's total offense level is 27. PSIR ¶ 121.

#### B. Special Offense Characteristics and Role Adjustments:

Pursuant to the PSIR ¶ 63, the base offense level of 38 is decreased by 4 levels as a mitigating role is recommended. In addition, the defendant was a minor participant in any criminal activity, therefore a 2-level reduction is appropriate. PSIR ¶66. Because the defendant is a zero-

1 point offender, the offense level is reduced by 2 levels. PSIR ¶69.  
2 Because the defendant meets the criteria for acceptance of responsibility,  
3 the offense level is reduced by 3 levels. PSIR ¶70, 71. The defendant  
4 has met the criteria for a 2-level safety valve reduction. The defendant  
believes that his total offense level is 25.

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7 C. Criminal History:

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9 The defendant agrees that his criminal history results in a criminal  
10 history category of I.

11 D. Guideline Range:

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13 With total adjusted offense level of 25, as described above, and a  
14 criminal history category I, the guideline range is 57-71.

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17 **SENTENCING FACTORS UNDER 18 U.S.C. § 3553 (a)**

18 As this court knows, the Sentencing Guidelines are now advisory,  
19 rather than mandatory. United States v. Booker, 125 S.Ct. 738, 756-  
20 57 (2005). While the Court must consider guideline ranges, the Court  
21 is permitted to tailor the sentence in light of other statutory concerns  
22 as well. 18 U.S.C. § 3553 (a)(4).

23 The purpose of the Sentencing Reform Act is to...reflect the  
24 seriousness of the offense, promote respect for the law, provide just  
25 punishment, afford adequate deterrence, [and] protect the public.

26 Booker, at 765; 18 U.S.C. § 3553(a)(2). A district court must not

1 accord more weight to the Guidelines than to other factors under §  
2 3553(a).  
3  
4

5 (1) The nature and circumstances of the offense and the history and  
6 characteristics of the defendant

7 The nature and circumstances of the offense was serious as Mr.  
8  
9 Lopez-Esceverre pled guilty to Distribution of 500 Grams or More of  
10 Methamphetamine.

11 The defendant was encouraged to participate in this crime by his co-  
12 defendant and Uncle Agustin and his co-defendant brother Martin.

13 Although the defendant was born in Pasco, WA, he spent the majority of his early  
14 life living in Mexico. When the defendant was approximately 16 years of age, he  
15 began working in California in construction with an Uncle for half a year and then  
16 return to Mexico for the rest of the year. In 2022, he began staying in the United  
17 States on a permanent basis. The defendant has always maintained employment as  
18 an adult.

19 Currently, the defendant continues to reside in California and works in  
20 construction.

21 In this case, the defendant's Uncle received a sentence of 151 months and his  
22 brother received a sentence of 48 months.

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3                   (2). Need for the sentence to reflect the seriousness of the offense, to  
4                   promote respect for the law, and to provide just punishment for the offense.

5  
6                   By accepting responsibility, the defendant has shown respect for the  
7                   law. Any sentence that this court imposes is surely adequate to reflect  
8                   the seriousness of the offense, to promote greater respect for the law,  
9                   and to provide just punishment for the offense.

10  
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13  
14                   (3). Need for the sentence to afford adequate deterrence to criminal  
15                   conduct.

16  
17                   Given the overall circumstances of the offense and the defendant's  
18                   personal history, we believe that a sentence at the low end of the  
19                   standard range will afford adequate deterrence to further criminal  
20                   conduct.

21  
22                   (4). Need to protect the public from further crimes of the defendant.

23  
24                   Given the length of the recommended sentence and the recommended  
25                   length of supervised release, we believe that the public will be  
26                   protected from further crimes of the defendant.

1                             (5). Need for sentence to provide the defendant with needed  
2                             educational or vocational training, medical care, or other correctional  
3                             treatment in the most effective manner.

5                             The defendant will avail himself of any educational or vocational  
6                             training, and/or counseling that is available to her.

7                             (6). The kinds of sentences available.

9                             The court may impose any appropriate prison sentence.

10                            (7). The advisory guideline range.

11                            The advisory guideline range is 57-71 months.

14                            CONCLUSION

15                            In consideration of the 18 U.S.C. 3553 (a) factors, the defendant  
16                             respectfully requests that the court impose a sentence of 40-months.

19                            DATED this 3<sup>rd</sup> day of July 2025. Respectfully Submitted,

21                            /s/ Ricardo Hernandez  
22                            Ricardo Hernandez

**CERTIFICATE OF SERVICE**

I hereby certify that on July 3, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Assistant United States Attorney, Caitlin Baunsgard

/s/ Ricardo Hernandez  
Ricardo Hernandez